



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

November 6, 2014

Chad Hutchison
Senate Majority Counsel
Alaska State Legislature
State Capitol, Room 119
Juneau, AK 99801-1182

Re: Freedom of Information Request EPA-R10-2014-007835

Dear Mr. Hutchison:

This is in response to your Freedom of Information Act ("FOIA") request, dated June 19, 2014, in which you requested data that the U.S. Environmental Protection Agency (EPA) collected for *An Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska* (EPA 910-R-14-001ES) ("Assessment"), as well as its scientific analysis for this document and the guidelines that EPA used.

With regard to Part 1 of your request, you requested the following:

- Any and all data collected as part of the agency's Bristol Bay ecological risk assessment.
- This shall include all peer-reviewed and non-peer reviewed scientific analysis.
 - This shall include, but not be limited to, the alleged scientific analysis done in the January 2014 *Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska* (EPA 910-R-14-001ES).

EPA does not have any records that are responsive to this portion of your request because EPA did not independently collect any original data as part of the Assessment. Section 2.2.1 of the Assessment discusses the data that EPA used in the Assessment. As is stated in that section, all of the sources for EPA's data are cited in Chapter 15 of the Assessment. The Assessment is publically available and can be found at <http://cfpub.epa.gov/ncea/bristolbay/recordisplay.cfm?deid=253500>.

This portion of your request also asks for EPA's "scientific analysis," including, but not limited to, the analysis performed in the Assessment. The Assessment is EPA's ecological risk assessment of the Bristol Bay watershed, which is itself a scientific analysis.¹ As page two of Executive Summary states, the Assessment contains EPA's "analy[sis]" of "information relevant to the potential impacts of large-scale mine development on Bristol Bay fisheries and consequent effects on wildlife and Alaska Native cultures in the region." This Assessment was both externally and internally peer reviewed. In addition, many of the sources EPA cites were peer reviewed. A full list of EPA's sources can be found in the

¹ An ecological risk assessment is defined on page one of the Executive Summary as a "type of scientific investigation that provides technical information and analyses to foster public understanding and inform future decision making."

citations listed in Chapter 15 of the Assessment. These sources are publicly available and we suggest you contact publishers or authors for copies. EPA cannot provide copies of non-EPA publications as we are not the owners or publishers

With regard to Part 2 of your request, you requested the following:

Any and all guidelines the EPA is using, including guidelines that may be different from the document titled *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*.

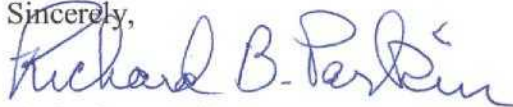
Although this portion of your request does not clearly identify which guidelines you seek, because the subject line of your request states, "January 2014 Assessment of Potential Mining Impact on Salmon Ecosystems in Bristol Bay, Alaska (EPA 910-R-14-001ES)," and the first request relates to the Assessment, we understand that you seek the guidelines that EPA used when it conducted the Assessment. All of the major guidelines EPA used are publicly available and are listed below:

1. EPA, EPA/630/R-95/002F, *Guidelines for Ecological Risk Assessment* (Apr. 1998), available at <http://www.epa.gov/raf/publications/pdfs/ECOTXTBX.PDF>.
2. Science Policy Council, EPA, EPA/100/B-06/002, *EPA Peer Review Handbook* (3d ed.), available at http://www.epa.gov/peerreview/pdfs/peer_review_handbook_2012.pdf.
3. Office of Management and Budget, *Final Information Quality Bulletin for Peer Review* (Dec. 15, 2004), available at <http://www.epa.gov/peerreview/pdfs/OMB%20peer%20review%20bulletin%202004.pdf>.
4. EPA, EPA/260R-02-008, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the EPA* (Oct. 2002), available at http://www.epa.gov/QUALITY/informationguidelines/documents/EPA_InfoQualityGuidelines.pdf.
5. Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, 40 C.F.R. Pt. 230, available at <http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol26/pdf/CFR-2012-title40-vol26-part230.pdf>.
6. Science Policy Council, EPA, EPA/100/B-03/001, *A Summary of General Assessment Factors for Evaluating the Quality of Scientific and Technical Information*, available at <http://www.epa.gov/stpc/pdfs/assess2.pdf>.

This concludes the EPA Region 10 response to FOIA number EPA-R10-2014-007835. You have the right to appeal this determination. Submit your appeal letter to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you have any questions concerning this response, please contact Ashley Palomaki at palomaki.ashley@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard B. Parkin". The signature is fluid and cursive, with the first name "Richard" and last name "Parkin" clearly legible, and "B." as a middle initial.

Richard B. Parkin

Region 10 Bristol Bay Management Lead